THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.21957 OF 1997

DATED: 24-01-2007

Between :

1. Virendra Giri and 3 others. .... Petitioners

And

1. The Revenue Divisional Officer, Rangareddy District., and another. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.21957 OF 1997

ORDER :

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The petitioners herein who are the members of joint family claim to be the absolute owners of large extents of land situated in Anthappaguda Village, Shankarpalli Mandal, Rangareddy District. It is stated that during the lifetime of their father they filed declarations under the provisions of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. By order of the Land Reforms Tribunal dated 28-5-1979 the excess land held by the family unit was decided. In the said order it was held that the major extent of land in Anthappaguda Village was in occupation of protected tenants and they were issued certificates under Section 38-E of The A.P. (Telangana Area) Tenancy & Agricultural Lands Act, 1950 to an extent of 548.96 acres equivalent to 9.9682 SH. Accordingly, the said extent was deleted while computing the net holding of the joint family of the petitioners which was found to be 333.31 acres equivalent to 7.0868 SH.

It is alleged in this writ petition that the respondents have been attempting to grant fresh occupancy certificates even in respect of the lands in possession of the petitioners, under the guise of implementation of welfare schemes, in spite of the fact that excess lands as determined in the proceedings which attained finality under the provisions of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act,

1973 were already surrendered. Hence, this writ petition.

Though Rule Nisi was ordered on 12-9-1997, no counter-affidavit has been filed on behalf of the respondents opposing the prayer in the writ petition and interim directions dated 12-9-1997 not to issue occupancy certificates without issuing notice to the petitioners continued to be in force.

Having regard to the facts and circumstances of the case and particularly in the absence of any counter-affidavit by the respondents contradicting the version of the petitioners, the Writ Petition is disposed of with a direction to the respondents not to interfere with the land held by the petitioners in Anthappaguda village of Rangareddy District without following due process of law. It is made clear that no occupancy rights shall be issued to any third parties in respect of 333.31 acres of land held by the joint family of the petitioners without notice to the petitioners. No costs.

G. ROHINI, J.

Dt. 24-1-2007
gbs